

立法會
Legislative Council

LC Paper No. CB(2)422/17-18
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

**Minutes of policy briefing cum meeting
held on Friday, 3 November 2017, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP

Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai

Members attending : Hon WU Chi-wai, MH
Hon SHIU Ka-fai

Members absent : Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alvin YEUNG

Public Officers attending : Item IV

The Administration

Mr John LEE, SBS, PDSM, PMSM, JP
Secretary for Security

Mrs Marion LAI, JP
Permanent Secretary for Security

Mr Sonny AU, PDSM, PMSM, JP
Under Secretary for Security

Ms Mimi LEE, JP
Deputy Secretary for Security 1

Mr Alex CHAN
Acting Deputy Secretary for Security 2

Ms Maggie WONG, JP
Deputy Secretary for Security 3

Ms Manda CHAN
Commissioner for Narcotics

Ms Wendy LEUNG
Administrative Assistant to Secretary for Security

Item V

Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM
Commissioner

Mr Ricky YAU Shu-chun
Head of Operations

Mr Raymond NG Kwok-ming
Director of Community Relations

Ms Rita LIAW Lily
Director of Corruption Prevention

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)150/17-18)

The minutes of the meeting held on 12 October 2017 were confirmed.

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II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)56/17-18(01), CB(2)154/17-18(01) and CB(2)198/17-18(01))

2. Members noted that the following papers had been issued since the last meeting:

- (a) letter dated 12 October 2017 from Ms Claudia MO;
- (b) referral from meeting between Legislative Council Members and Sham Shui Po District Council members on 14 July 2017; and
- (c) Administration's response to issues raised in a letter dated 18 September 2017 from Dr Elizabeth QUAT.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)217/17-18(01) and (02))

Regular meeting in December 2017

3. Members agreed that the following items would be discussed at the next regular meeting on 5 December 2017 at 2:30 pm and the meeting would be extended to end at 5:00 pm:

- (a) Results of study of matters raised in the Annual Report 2016 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance;
- (b) New Smart Hong Kong Identity Card; and
- (c) Proposal to turn a supernumerary post of Administrative Officer Staff Grade C in the Narcotics Division into a permanent post.

Special meeting in January 2018

4. Members agreed that a special meeting would be held on 23 January 2018 from 2:00 pm to 4:00 pm to receive a briefing by the Commissioner of Police on the crime situation in 2017.

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IV. Briefing by the Secretary for Security on the Chief Executive's 2017 Policy Address

(LC Paper No. CB(2)24/17-18(01), The Chief Executive's 2017 Policy Address and The Chief Executive's 2017 Policy Agenda)

5. Secretary for Security ("S for S") briefed Members on the initiatives of the Security Bureau ("SB") in 2017, as set out in the Administration's paper.

(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)236/17-18(01) on 6 November 2017.)

Issues related to non-refoulement claims

6. Dr Elizabeth QUAT expressed concern that although the number of pending non-refoulement claims had decreased, the problem of crime committed by non-refoulement claimants was still serious. She said that the Democratic Alliance for the Betterment and Progress of Hong Kong had suggested measures such as the imposition of a shorter time limit for lodging a claim, revoking the non-refoulement claims of persons convicted of crime in Hong Kong and combating the taking up of illegal employment by non-refoulement claimants. She asked whether the Administration would introduce such measures.

7. Mr SHIU Ka-fai expressed concern about crime committed by non-refoulement claimants and said that the Administration should expedite the screening of non-refoulement claims.

8. S for S responded that the Administration was combating the smuggling of non-ethnic Chinese illegal immigrants to Hong Kong at source and had stepped up enforcement against unlawful employment and other criminal offences. Actions included stepping up patrol and strengthening intelligence gathering. He said that the court had ruled that even if a claimant had committed a serious crime in Hong Kong, the Government still had the responsibility to deal with his non-refoulement claim, as this was an absolute and non-derogable right.

9. Mr Michael TIEN expressed concern that non-refoulement claimants were allowed seven weeks to file a claim form in Hong Kong, whereas claimants in Australia and New Zealand were required to file a claim form within the same day or the next day. He considered that

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legislative amendments should be introduced to require a claimant to return a claim form within a shorter time limit. S for S responded that under existing laws, four weeks were allowed for a claimant to complete a claim form. The Duty Lawyer Service ("DLS") had requested an additional three weeks for a claimant to complete a claim form, thus giving a total of seven weeks. The shortening of the existing time limit for filing a non-refoulement claim form was one of the measures being considered by the Administration in its current comprehensive review of the strategy of handling non-refoulement claims.

10. Ms YUNG Hoi-yan declared that she was currently on the roster of duty lawyers eligible for handling non-refoulement claims. She sought information on the progress of introduction of a new supplementary roster scheme, under which cases would be assigned to lawyers on the supplementary roster directly. S for S responded that since the establishment of the supplementary roster in September 2017, about 100 cases had so far been assigned to lawyers on the supplementary roster, on which no adverse comments had been received.

Police-related issues

11. Ms Claudia MO queried why a new team had been established in the Police's Organized Crime and Triad Bureau to deal with crime relating to public assemblies. The Deputy Chairman also queried why the Organized Crime and Triad Bureau, which should be mainly responsible for investigation of serious, organized or triad-related crime, would be deployed for investigation of crime relating to public assemblies.

12. Mr SHIU Ka-fai said that as the behaviour of some participants of public assemblies had been increasingly violent, it was appropriate for the Police to deploy police officers with relevant experience in the investigation of organized and triad-related crime for the investigation of serious crime in such public assemblies.

13. S for S responded that the Police would deploy crime investigation teams with the appropriate experience and skills to investigate a crime in accordance with the needs and circumstances of the case. For crimes of a serious nature, investigation teams of the Organized Crime and Triad Bureau might be deployed for the investigation as the cases might be prosecuted at higher courts. For example, some cases relating to the riot at Mong Kok in the early hours of 9 February 2016 were heard in High Court and investigated by the Organized Crime and Triad Bureau.

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14. Mr CHU Hoi-dick asked whether the Administration would issue guidelines for frontline police officers to ensure that they would act impartially in handling land disputes in the New Territories. S for S responded that the Police always acted impartially in law enforcement and handling disputes.

15. Mr SHIU Ka-fai expressed concern that there were many cases of members of the public insulting frontline police officers with abusive language. He considered that more body-worn video cameras ("BWVCs") should be procured to enable all frontline police officers to be equipped BWVCs. S for S noted the views of Mr SHIU and agreed that BWVCs were helpful in de-escalating incidents and evidence gathering.

Counter-terrorism measures

16. Mr CHAN Chun-ying asked how the Inter-departmental Counter-Terrorism Unit ("the Unit") to be established by the Administration would collaborate with various government departments and overseas counterparts in its counter-terrorism work. He also sought information on the division of work between the Unit and the Police's existing counter-terrorism units. S for S responded that the Unit would add on to the existing counter-terrorism structure and system and strengthen coordination. It would not replace any of the Police's existing counter-terrorism units. The Unit would also coordinate education of the public to enhance their alertness and preparedness towards emergency situations.

17. Mr LAM Cheuk-ting expressed support for the Administration's strengthening of counter-terrorism work, including the strengthening of intelligence gathering and exchange of intelligence with the law enforcement agencies ("LEAs") of other places in its counter-terrorism work.

18. Mr Holden CHOW expressed support for the Administration's counter-terrorism work. He enquired about the major duties of the Unit and its manpower needs. S for S responded that the duties of the Unit, which would not replace any of the Police's existing counter-terrorism units, would mainly involve formulation of counter-terrorism strategies and enhancing intelligence gathering, as well as exchange of intelligence with other jurisdictions and review of counter-terrorism equipment, etc. He said that the manpower required for the Unit would be small.

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19. Mr KWOK Wai-keung noted that counter-terrorism measures had been adopted by the Police during the recent Halloween event. He asked whether similar counter-terrorism measures would be adopted for major public events in future. S for S responded that the security measures to be adopted at a public event were determined having regard to the risk assessment and circumstances of the event.

Parallel trading activities

20. Mr LAM Cheuk-ting expressed concern that although the Police had established a special task force to combat parallel trading activities in the North District, the task force only comprised seven members. He considered that more police manpower should be deployed for combating parallel trading activities in the North District. He also expressed concern that immigration officers at boundary control points could not refuse the entry of parallel traders who had been fined for offences relating to parallel trading activities but failed to settle payment.

21. S for S undertook to convey Mr LAM's view to the Police. He said that besides the special task force on parallel trading activities, police officers of relevant police districts were also deployed for handling problems arising from parallel trading activities. He added that cases of failure to pay fines imposed by the court were dealt with in accordance with the law.

22. Mr LAU Kwok-fun noted that the Food and Health Bureau would carry out a review on the export control of powdered formulae. He said that there was an annual average of over 4 000 persons prosecuted for violation of the export control on powdered formulae in the past five years, problems relating to parallel trading of powdered formulae might arise again. He queried whether a stable supply of powdered formulae could be maintained after relaxation of such export control and asked whether SB would take part in the review. S for S responded that LEAs had all along been strictly enforcing export control on powdered formulae in accordance with the law. All relevant factors and information would be taken into consideration in the Administration's review.

Fire safety

23. Referring to paragraph 3 of the Administration's paper, Mr CHAN Chun-ying expressed concern about whether the financial provision of about \$2 billion was sufficient for launching the Fire Safety

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Improvement Works Subsidy Scheme ("the Scheme"). He asked whether there was a timetable for the completion of fire safety improvement measures for all old composite buildings under the Scheme.

24. S for S responded that the Scheme sought to subsidize owners of old composite buildings who had financial difficulties to undertake fire safety improvement works as required under the Fire Safety (Buildings) Ordinance (Cap. 572). It was roughly estimated that the subsidy to the owners of an old target building under the Scheme would be in the range of \$400,000 to \$1 million per building. The Administration anticipated that for relatively simple cases, the fire safety improvement works could be completed in about one year's time.

25. Noting that there was an increase in the number of home-stay lodgings in Hong Kong, Mr YIU Si-wing asked whether the Administration would consider drawing up fire safety requirements on home-stay lodgings. S for S responded that relevant fire safety requirements were formulated in accordance with extant legislation such as the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) to ensure fire safety of the premises.

Updating of facilities in penal institutions and visits to persons in custody

26. Mr POON Siu-ping asked whether there was a timetable for the updating of facilities in penal institutions. S for S responded that facilities in penal institutions were updated on a need basis. The Panel would be consulted on relevant projects in due course.

27. Ms YUNG Hoi-yan expressed concern about recent media reports of an increase in official visits by Legislative Council ("LegCo") Members to certain persons in custody. She considered that this might affect official visits to other persons in custody, given the limited number of official visit rooms in penal institutions. She suggested that the Administration should consider introducing more video visit facilities at penal institutions. She also requested the Administration to provide statistics on the utilization of video visit facilities at penal institutions.

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28. S for S agreed to convey the suggestion to the Correctional Services Department ("CSD") and provide the statistics, if available. He said that any LegCo Member who needed to visit a person in custody at a correctional institution to perform official duties had to make an application to CSD in advance and confirm that there was a genuine need

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to perform official duties. If the application for official visit was approved, CSD would inform the LegCo Member concerned in writing. There was recently a noticeable increase in official visits conducted by LegCo Members at individual correctional institutions and CSD would continue to monitor the situation.

Unscrupulous business practices of financial intermediaries

29. Ms Alice MAK expressed concern about unscrupulous business practices of financial intermediaries and difficulties encountered by the Police in their enforcement work. She said that the Money Lenders Ordinance (Cap. 163) ("MLO") was outdated and asked whether the Financial Services and the Treasury Bureau would be informed of the enforcement difficulties and need for legislative amendments.

30. S for S responded that SB adopted an open mind towards the issue of introduction of legislative amendments to MLO. SB would listen to the Police what the enforcement difficulties were and, if necessary, take part in examining the need for introducing legislative amendments to MLO with the relevant policy bureau.

Drug-related issues

31. Mr KWOK Wai-keung expressed concern that some audiences were alleged to have abused drugs during a recent music festival in the West Kowloon Cultural District ("WKCD"). He asked whether the Administration would consider deploying sniffer dogs to assist in preventing drug abuse in large public events.

32. Commissioner for Narcotics responded that the Administration was also very concerned about the incident, which was still under police investigation. The WKCD Authority was carrying out a review on the terms and conditions as well as procedures for the use of the venue in question, with a view to enhancing security measures for the safe conduct of similar events in the future. The Administration would keep in view the review result, and would be ready to provide support and advice on anti-drug and security measures to the WKCD Authority, where necessary. The Police would also coordinate with organizers of large music events in mapping out security measures for the purpose of crime prevention.

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Immigration matters

33. Mr YIU Si-wing expressed concern that according to information released by a consultancy firm, the Hong Kong Special Administrative Region ("HKSAR") Passport has a lower ranking than the passports of Singapore and the Republic of Korea in terms of the number of visa-free access countries. He asked whether the Administration would seek to increase the number of countries which granted visa-free access to HKSAR Passport holders. S for S responded that ongoing efforts were being made by the Administration, including its overseas economic and trade offices, to increase the number of countries granting visa-free access to HKSAR passport holders.

34. Mr CHAN Chi-chuen sought information on the number of visitors refused entry into Hong Kong and a breakdown by the reasons of refusal. He said that the Administration should provide a visitor who was refused entry into Hong Kong with the reason for refusal.

35. S for S responded that the Immigration Department ("ImmD") had always acted in accordance with the laws in the granting or refusing of the entry of visitors. ImmD was not obliged to provide a visitor who was refused entry into Hong Kong with the reason for refusal. He agreed to provide information on the number of visitors refused entry into Hong Kong and the refusal categories.

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36. Referring to paragraph 7 of the Administration's paper, Mr POON Siu-ping sought information on the number of Cambodian nationals who had applied for visas to take up employment and study in Hong Kong since the relaxation of their visa requirements. S for S agreed to provide the requested information in writing.

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37. Mr Holden CHOW asked whether the control points at the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port would be operated on a 24-hour basis. S for S responded that the operation hours of different control points were determined having regard to needs. He pointed out that while the Lok Ma Chau Control Point was operated on a 24-hour basis, its average passenger and vehicle traffic only amounted to less than 20% of the daily average of all control points.

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Ambulancemen manpower

38. Mr WU Chi-wai said that although the number of emergency ambulance calls had been increasing at the rate of about 3% per year between 2012 and 2016, the number of ambulancemen had only increased by about 120 over the same period. He considered that the Administration should critically review the adequacy of ambulancemen manpower. He added that the work of first responders, who were firemen deployed under the First Responder Programme to provide basic life support to injured persons, should be transferred to ambulancemen as the latter had received relevant professional training.

39. S for S responded that the adequacy of ambulancemen manpower was determined having regard to a number of factors, including the response time pledge for emergency ambulance calls as well as the efficiency in the provision of services by the Fire Services Department ("FSD"). In this regard, the fourth generation mobilizing and communications system under development would enable a more efficient deployment of resources. He stressed that requests for additional ambulancemen manpower would be made, when necessary, in accordance with the established mechanism under the annual resource allocation exercise. To provide better support for frontline ambulancemen, FSD had also set up a Special Support Unit comprising 48 ambulance staff members to enhance the efficiency of emergency ambulance services and the operational capability in meeting the demand for ambulance service.

Other issues

40. Mr Michael TIEN said that additional frontline immigration and customs manpower would be needed for the commissioning of three new boundary control points in 2018. He expressed concern about whether the Administration had sufficient time for seeking necessary manpower as well as recruitment and training of staff. S for S responded that the Administration had already drawn up plans for recruitment and training of necessary personnel to tie in with the anticipated commissioning of three control points in 2018.

41. Mr CHU Hoi-dick asked whether the Administration would, having regard to the percentage of ethnic minority population in Hong Kong, require the recruitment of a specified percentage of ethnic minorities in disciplined services. S for S responded that different

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disciplined services had already exercised flexibility in recruitment so that ethnic minorities would not be deprived of the opportunity of being recruited because of their proficiency in Chinese. The Administration had no plan to require the recruitment of a specified percentage of ethnic minorities in disciplined services. It was not empowered under existing legislation to do so.

42. Referring to paragraph 6 of the Administration's paper, Mr POON Siu-ping asked whether ethnic minority youths would undergo training together with ethnic Chinese trainees. S for S responded that the cross-disciplined forces training programmes concerned would be dedicated for ethnic minority youths only.

V. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2017 Policy Address

(LC Paper No. CB(2)24/17-18(02), The Chief Executive's 2017 Policy Address and The Chief Executive's 2017 Policy Agenda)

43. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed Members on the paper provided by the Independent Commission Against Corruption ("ICAC") regarding its initiatives in the year ahead.

(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)236/17-18(02) on 6 November 2017.)

Staffing matters

44. Mr LAM Cheuk-ting expressed concern that the post of Head of Operations ("H/Ops") had been consecutively filled by an acting staff for a total of about two years. He enquired about the factors taken into consideration in determining the length of acting period of a staff.

45. C/ICAC responded that it was not the policy of ICAC to comment on the work arrangements of individual staff. He stressed that acting arrangements were made on a needs basis and there was a management succession plan in place in ICAC.

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46. Noting that a majority of corruption complaints were targeted at the private sector, Mr POON Siu-ping asked whether ICAC had encountered difficulties in the deployment of staff to investigate other complaints. H/Ops responded that ICAC staff were flexibly deployed to carry out investigation into different types of corruption complaints.

Public confidence in the work of the Independent Commission Against Corruption

47. Ms Claudia MO asked how ICAC would restore public confidence in its work.

48. Mr Holden CHOW said that a majority of the public were confident in ICAC's work. He noted that according to the Corruption Perceptions Index 2016, Hong Kong was ranked the 15th least corrupt place among 176 countries and territories.

49. C/ICAC responded that according to the ICAC Annual Survey conducted by an independent research agency, over 96% of the respondents expressed support for the work of ICAC in 2016.

Complaints against corruption in the public sector

50. Ms Claudia MO enquired about the number of complaints against different government departments received by ICAC and the government departments against which the number of complaints was the highest. H/Ops responded that the highest number of complaints had been received against the Police, the Food and Environmental Hygiene Department and the Housing Department in 2017. He undertook to provide members with statistics on complaints against government departments and the percentage of pursuable complaints.

ICAC

Corruption prevention in works contracts and building management

51. Mr CHAN Chun-ying declared that he was a member of the Operations Review Committee of ICAC. Referring to paragraphs 16 and 17 of ICAC's paper, he asked whether ICAC would play a more active role in the prevention of corruption in the tendering process of major infrastructure projects.

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52. Director of Corruption Prevention ("DCP") responded that ICAC had been working closely with the Development Bureau and works departments as well as public bodies concerned to provide them with corruption prevention advice on the letting and administration of works contracts. Where necessary, staff of ICAC's Corruption Prevention Department also attended as observer at preparatory or tender assessment meetings of major infrastructure projects to provide timely advice. The implementation of the recommended corruption prevention measures, including ICAC training for staff of consultants and contractors was reviewed from time to time.

53. Referring to paragraph 19 of ICAC's paper, Mr POON Siu-ping asked how the two-pronged strategy was applied in relation to the handling of building management subsector complaints. H/Ops responded that the two-pronged strategy was adopted in appropriate cases. The strategy combined the traditional approach of investigation with the taking of timely intervention actions to frustrate possible corrupt and bid-rigging activities at an early stage. As a result of such early intervention, flat owners were made aware of the risks exposed in awarding contracts, enabling them to take appropriate follow-up actions where necessary. He said that among about 600 corruption complaints relating to building management in the first nine months of 2017, about 60% were related to general building management issues and about 30% were related to building repair works.

54. Mr Holden CHOW sought information on the New Engineering Contract ("NEC") referred to in paragraph 16 of ICAC's paper. DCP responded that NEC, which emphasized co-operation and collaborative risk management, was adopted by works departments on a pilot basis in 2008 or 2009 to enhance efficiency in public works projects. Over the years, ICAC had been assisting the Development Bureau to develop the new system from the corruption prevention perspective and a set of codes of practice on the letting and administration of NEC contracts was issued last year.

55. Mr Jimmy NG suggested that ICAC should consider launching publicity in other countries, such as the Belt and Road countries, on the anti-corruption regime in Hong Kong through brochures and videos. C/ICAC agreed to consider the suggestion.

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Declaration of interest at district council meetings

56. Dr CHENG Chung-tai said that the Audit Commission had identified inadequacies in the requirements on declaration of "other declarable interests" at District Council ("DC") meetings in relation to the allocation of funds for community involvement projects. He considered that ICAC should play an active role in assisting DCs to address the problem.

57. Director of Community Relations responded that the ICAC regional offices maintained a close network with respective DC secretariats and would provide corruption prevention advice as necessary, including matters relating to declaration of interests at DC meetings. D/CP added that ICAC had provided corruption prevention advice to the Home Affairs Department ("HAD") which had carried out a review on matters relating to "other declarable interests", and would stand ready to provide further advice to HAD if there was a review of the overall mechanism on declaration of interests at DC meetings.

Other issues

58. Ms Claudia MO enquired about the progress and timetable regarding the investigation by ICAC into Mr LEUNG Chun-ying's signing of an agreement with the Australian firm UGL Limited in 2011 and his receipt of payments from the UGL Limited in connection with the agreement. C/ICAC responded that it was not ICAC's policy to comment on individual cases.

59. There being no other business, the meeting ended at 12:52 pm.